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| 09/771,833 | 01/29/2001 | Takehiko Numata | 3531.65151 | 9342 |

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| EXAMINER |
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ORTIZ CRIADO, JORGE L

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| ART UNIT | PAPER NUMBER |
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2655

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,833

Applicant(s)

NUMATA, TAKEHIKO

Examiner

Jorge L. Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 3,5,8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyasaka J.P. 09-180350.

Regarding claims 3 and 5, Miyasaka discloses an optical storage medium having land tracks and groove tracks alternately formed and divided into a plurality of groups, and capable of storing information with respect to said land tracks and said groove tracks (See Abstract) comprising:

a plurality of first ID portions respectively having first track addresses as consecutive numbers given to said land tracks in each group (See Figs. 4,7,8; [0056]-[0061]; logical address assigned for the land e.g. # 1-9);

and a plurality of second ID portions respectively having second track addresses as consecutive numbers given to said groove tracks in each group (See Figs. 4,7,8; [0056]-[0061]; logical address assigned for the groove e.g. # 10-19)

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said consecutive numbers of said (second; first) track addresses being consecutive to said consecutive numbers of said (first; second) track addresses in the same group (See Figs. 4,7,8; e.g. zone 1; # 1-9, # 10-19).

said consecutive numbers of said (first, second) track addresses being consecutive to said consecutive numbers of said (second, first) track addresses in its immediately preceding group (See Figs. 4,7,8; e.g. Zone 2; # 20-29).

wherein said consecutive numbers increments one by one (See Figs. 4,7,8; e.g. 1,2,3,4,5 etc. as well as 10,11,12, etc.)

Regarding claims 8 and 10, storage device and method claims 8 and 10 define numbering schemes to those of claims 3 and 5, except as applied to logical block address, and are rejected for the same reason of anticipation.

Miyasaka discloses numbering schemes being applied to logical block address (See Figs. 4,7,8; [0056]-[0061]; Fig. 3. corresponding storage device)

2. Claims 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kabori U.S. Patent No. 5,493,552.

Regarding claim 9, Kabori discloses a producing method for logical block addresses to an optical storage medium having land tracks and groove tracks alternately formed and given a plurality of track addresses and a plurality of sector addresses, comprising the step of:

giving consecutive numbers to said track addresses of one kind of said land tracks and said groove tracks in each sector, giving consecutive numbers to said track addresses of the other kind of said land tracks and said groove tracks in each sector so that said consecutive numbers of said track addresses of the other kind are consecutive to said consecutive numbers of said track addresses of said one kind, wherein said consecutive numbers increment one by one. (see col. 9, lines 33-57; Fig. 11)

Regarding claim 7, optical storage device claim 7 is drawn to the optical storage device for performing the corresponding method claimed in claim 9. Therefore storage device claim 7 corresponds to method claim 9 and is rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka J.P. 09-180350 in view of Senshu U.S. Patent No. 6,058,099.

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Regarding claims 4 and 6, Miyasaka does not expressly disclose wherein each of said first ID portions has a first identifier for identifying said land tracks, and each of said second ID portions has a second identifier for identifying said groove tracks, and wherein each of said first ID portions is provided in each of first headers and each of said second ID portions is provided in each of second headers.

However, this feature is well known in the art and is evidenced by Senshu, which discloses an optical storage medium having land tracks and groove tracks alternately formed and capable of recording and/or reproducing information with respect to said land tracks and said groove tracks, a plurality of first ID portions respectively having first track addresses as consecutive numbers given to said land tracks, a plurality of first ID portions respectively having first track addresses as consecutive numbers given to said land tracks and a plurality of second ID portions respectively having second track addresses as consecutive numbers given to said groove tracks independently of said consecutive numbers of said first track addresses, wherein each of said first ID portions has a first identifier for identifying said land tracks (See col. 4, lines 29-35; Figs. 3,5,6,13),

and each of said second ID portions has a second identifier for identifying said groove tracks (See col. 4, lines 29-35; Figs. 3,5,6,13),

and wherein each of said first ID portions is provided in each of first headers and each of said second ID portions is provided in each of second headers (See col. 4, lines 29-35; Figs. 3,5,6,13).

It would have been obvious to one with an ordinary skill in the art at the time of the invention to include the identifiers for identifying said land and groove tracks provided in each of first and

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second headers, in order to avoid an address section being mistakenly detected by crosstalk, securing track continuity.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. J.P. 09-212869 to Ishimaru et al. is pertinent because teaches an optical recording medium capable of recording information on groove and lands, having ID portions with track addresses as consecutive numbers given to said land and grooves tracks, wherein said consecutive numbers increment one by one.

b. U.S. Patent Nos. 6,028,828; 6,751,173 to Maeda, which teaches an optical storage medium having land tracks and groove tracks alternately formed and divided into a plurality of groups, and capable of storing information with respect to said land tracks and said groove tracks comprising: having first track addresses as consecutive numbers given to said land tracks in each group and having second track addresses as consecutive numbers given to said groove tracks in each group; said consecutive numbers of said (second; first) track addresses being consecutive to said consecutive numbers of said (first; second) track addresses in the same group; said consecutive numbers of said (first, second) track addresses being consecutive to said consecutive numbers of said (second, first) track addresses in its immediately preceding group and wherein said consecutive numbers increments one by one.

c. U.S. Patent No. 5,978,327 to Kuroda et al., which teaches an optical storage medium having land tracks and groove tracks alternately formed wherein having first ID

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portions for identifying land tracks, and second identifier for identifying groove tracks, and wherein each of said first ID portions is provided in each of first headers and each of said second ID portions is provided in each of second headers.

Response to Arguments

5. Applicant's arguments with respect to claims 3-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUSAN MCFADDEN
PRIMARY EXAMINER